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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 29 2006

In re Reissue Patent application for U.S. Patent No. 6,002,480,
issued December 14, 1999.

Applicant(s): Izatt et al.

Serial No: 10/020,041

Filing Date: December 14, 2001

Title: DEPTH-RESOLVED SPECTROSCOPIC OPTICAL COHERENCE
TOMOGRAPHY

Examiner: Hwa S. Lee

Art Unit: 2877

Docket No. UNIVP111USA

SUPPLEMENTAL REPLY TO OFFICE ACTION

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a terminal disclaimer signed by an attorney of record in the present application. The enclosed terminal disclaimer is provided as a substitute for the previously-filed terminal disclaimer. The terminal disclaimer fee of \$65.00 was paid previously via credit card.

Claims 16-26 were rejected on the grounds of nonstatutory obviousness-type double patenting in view of commonly-owned U.S. Patent No. 5,994,690. The enclosed terminal disclaimer obviates the nonstatutory obviousness-type double patent rejection. Accordingly, the rejection should be withdrawn.

In the event any fee or additional fee is due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (under the above Docket Number). In the event an extension of time is needed to make the filing of this paper timely and no separate petition is attached, please consider this a petition for the requisite extension and charge the fee to our Deposit Account No. 18-0988 (under the above Docket Number).

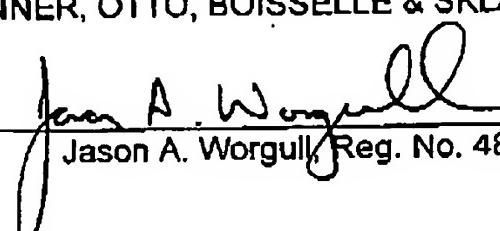
Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By

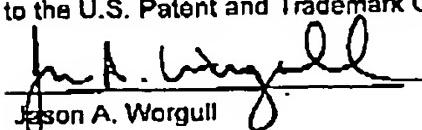
Jason A. Worgull, Reg. No. 48,044

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113



CERTIFICATE OF FACSIMILE TRANSMITTAL UNDER 37 C.F.R. 1.8

I hereby certify that this paper (along with any documents referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent and Trademark Office (571-273-8300) on the date shown below.



Jason A. Worgull

12-29-06

Date

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PAGE 1/2 * RCVD AT 12/29/2006 9:07:09 AM (Eastern Standard Time) * SVR:USPTO-EFXRF-1/7 * DNIS:2738300 * CSID:216 621 6165 * DURATION (mm:ss):01-02

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Attorney Docket No. UNIVP0111USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re REISSUE PATENT application of:

Applicant: Izatt et al.
Application No.: 10/020,041
Filing Date: December 14, 2001
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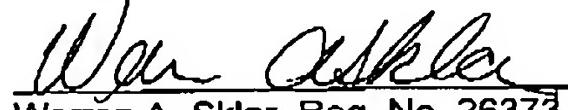
**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The undersigned attorney, on behalf of Case Western Reserve University and University Hospitals of Cleveland, which are owners of one-hundred (100) percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term (or any extension thereof), as presently shortened by any terminal disclaimer, of prior Patent No. 5,994,690. Any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned, this provision to run with any patent granted on the instant application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent (or any extension thereof), as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term (or any extension thereof), as presently shortened by any terminal disclaimer.

The terminal disclaimer Fee of \$65.00 was previously provided by credit card payment. The Commissioner is hereby authorized to charge any deficiency in payment of the terminal disclaimer fee, or credit any overpayment, to Deposit Account No. 18-0988 under the above shown Attorney Docket Number.

Respectfully submitted,


Warren A. Sklar, Reg. No. 26373
Attorney